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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,152	10/31/2003	Thomas K. Oram	12406/60	1019
26646 7590 05/17/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER KOYAMA, KUMIKO C	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,152

Applicant(s)

ORAM, THOMAS K.

Examiner

Kumiko C. Koyama

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2007.
2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
4a) Of the above claim(s) 19-68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 69-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Amendment received on February 12, 2007 has been acknowledged.

Upon consideration of Applicant's arguments and further search, the Examiner has applied a newly found prior art as a secondary reference. Accordingly, this action is Non-Final.

Specification

1. The abstract of the disclosure is objected to because it includes improper language, such as "provided." It should avoid using phrases which can be implied. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 10, 11, 14, 15, 69, 74, 78, 82 and 88-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin, Jr. et al. (US 5,471,039) in view of Poland (US 4,825,058).

Re claims 1, 10, 14, 69 and 88-90: Irwin discloses a validation of a lottery ticket 50, which is a game of chance (col 27, lines 44-45). The ticket includes a bar code (col 6, lines 40-42). The external verification machine, which is a local terminal, reads the bar code, which contains the inventory control number and the encrypted validation number data (col 27, lines

Art Unit: 2876

52-55). The validation data contains information related to the identity of the ticket, for example, the game number, pack number and ticket number (col 31, lines 25-30). The validation number and game number is stored on the bar code 428 and the validation data is read by the external verification machine 108 (col 31, lines 29-35). The external verification machine 108 transmits the data as to which play spot areas have been removed along with the validation number to the central computer 223, which is a remote terminal (col 31, lines 35-40). The central computer 223 contains the redemption or validation file which includes information corresponding to the ticket identification information for each ticket as well as a record with play indicia value data corresponding to each of the play spot areas on each ticket (col 31, lines 40-45). The central computer 223 then determines the redemption value corresponding to the matching play indicia value data and sends authorization to the external verification machine to that the redemption value can be paid (col 31, lines 50-55). The determination of the redemption value corresponding to the matching play indicia value data is a check validity program to determine whether the data is determined to be valid.

Irwin does not specifically teach a bar code encoded with an instruction and data, and sending the data based on the encoded instruction. Irwin fails to teach reading a program comprising a plurality of encoded program instructions from the bar code, wherein the plurality of encoded program instructions includes the instruction; and executing the program, wherein executing the program includes sending the trigger.

Poland discloses the instructions encoded on the bar code labels on the menu can access any memory address in the operating system to load any value at a given bit or byte location. Once the memory map of locations and their uses is know, the choice of memory locations and

Art Unit: 2876

arguments for the instructions encoded in the menu tags can be made without making any changes to the bar code reader's operating system software (col 2, lines 19-26). Poland also discloses that the menu tags are encoded to perform two kinds of functions, configuring the operating characteristics of the bar code reader and controlling the operation of the reader. All of the stored configuration options for the bar code reader, as well as the flags which control the operation of the reader, are stored in defined memory locations in the bar code reader hardware. The commands encoded in the tags, consisting of instructions with opcodes and arguments, emulate a simple assembly level language since they have a defined instruction set and syntax (col 2, lines 31-42). Poland also discloses an interpreter routine that parses that input stream from the bar code scanner, checks for syntax errors and executes the memory manipulation instructions invoked, thereby loading an input value at the accessed location (col 2, lines 57-60).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to modify the teachings of Poland to the teachings of Irwin as modified by Poland in order to quickly instigate an actions of verification without the need to go through complicated systems by directly providing instruction on the barcode that leads to the validation program.

Re claims 2 and 11: As described above, Irwin teaches that the data is a validation number, which is an identifier associated with the ticket. A validation number is an identifier because is uniquely identifies a ticket within a game (col 30, lines 62-65).

Re claim 3: As described above, Irwin discloses that the central computer 223 then determines the redemption value corresponding to the matching play indicia value data and sends

Art Unit: 2876

authorization to the external verification machine to that the redemption value can be paid (col 31, lines 50-55).

Re claim 4: As described above, Irwin discloses that the external verification machine 108 transmits the data as to which play spot areas have been removed along with the validation number to the central computer 223, which is a remote terminal (col 31, lines 35-40). The central computer 223 then determines the redemption value corresponding to the matching play indicia value data and sends authorization to the external verification machine to that the redemption value can be paid (col 31, lines 50-55).

Re claim 15: Irwin further discloses that the bar code 80 can include information regarding the value of the play indicia 74 of the ticket 50. The bar code reader 210 communicates direction with the microcontroller 224 via an ANSI standard interface, such as a UART. The bar code reader 210 is a laser scanner (col 13, lines 57-64).

Re claims 74, 78 and 82: As described in Irwin as modified by Poland, Poland discloses an interpreter routine, which is configured to receive and compile the instruction.

4. Claims 5, 6, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Poland as applied to claims 1 and 10 above, and further in view of Leason et al (US 6,251,017). The teachings of Irwin as modified by Poland have been discussed above.

Irwin as modified by Poland fails to teach based on the encoded instruction, connecting to a website via a communications network, wherein the check validity program is executed at the website and the communication network includes an internet.

Leason teaches entering a validation code from the ticket stub into a redemption form at a site on the internet (col 13, lines 35-40). Leason also discloses a machine 304 at which the

Art Unit: 2876

validation codes are received and be a computer or television configured for two-way communication (e.g., a television which is connected to a telephone line or two-way communication cable line or fiber optic link) or other interactive device which has both input and output devices connected to convey information to and from an internet site (col 13, lines 45-52).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Leason to the teachings of Irwin as modified by Poland because the use of internet enhances the usability by providing local terminals around the world and therefore, the user has more choices and locations to validate the code.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Poland as applied to claim 1 above, and further in view of Saunders et al (US 6,340,331). The teachings of Irwin as modified by Poland have been discussed above.

Irwin as modified by Poland fails to teach that if the data is determined to be invalid by the check validity program, indicating that the ticket is invalid.

Saunders discloses that the microprocessor 700 waits for authorization from the gaming machine 30 or from the central computer 40 that the ticket is a correct ticket and, if correct, then delivers the cash-in value over lines 684 to the gaming machine 30 so that the player can start the game. If the amount is incorrect, then the microprocessor 700 reactivates the stepper motor 570 over lines 556 to cause it to move in the reverse direction to back the ticket out of the slot 430 and then issue a message in display 450 over lines 551 that the ticket is invalid. The microprocessor, the gaming machine 30 or the central computer 40 may issue an alarm for an attendant to visit the player at the gaming machine (col 7, lines 10-25).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Saunders to the teachings of Irwin as modified by Poland and issue a display message indicating that the ticket invalid so that the player is notified that the ticket cannot be redeemed and cannot receive cash, and also so that the attendant does not provide cash to the player who is not entitled to receive it.

6. Claims 8, 9, 16, 17, 18, 70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Poland as applied to claims 1 and 10 above, and further in view of Axelrod et al (US 5,337,358). The teachings of Irwin as modified by Poland have been discussed above.

Re claims 8, 9, 16, 17, 70 and 71: Irwin as modified by Poland fails to teach that the bar code is a two-dimensional barcode and that the two-dimensional barcode is a PDF-417 format.

Axelrod discloses a barcode being a two-dimensional barcode and the two-dimensional barcode is a PDF-417 standard barcode (col 3, lines 29-35).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Axelrod to the teachings of Irwin as modified by Poland because PDF-417 is capable of storing large amounts of text and data in a secure and inexpensive manner, and therefore, such barcode format is suitable for such gaming industry necessitates large amount of data to increase security.

Re claim 18: Irwin further discloses that the bar code 80 can include information regarding the value of the play indicia 74 of the ticket 50. The bar code reader 210 communicates direction with the microcontroller 224 via an ANSI standard interface, such as a UART. The bar code reader 210 is a laser scanner (col 13, lines 57-64).

Art Unit: 2876

7. Claims 72, 73, 75-77, 79-81 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Poland as applied to claims 1 and 10 above, and further in view of Meyer et al (US 6,915,271). The teachings of Irwin as modified by Poland have been discussed above.

Irwin as modified by Poland fails to teach a Java virtual machine and a compiler configured to receive and compile the instruction.

Meyer discloses a Java Virtual Machine (col 54, line 25) and a program written in the JAVA language is compiled to a bytecode file that can run wherever the JAVA platform is present (col 54, lines 19-22). Meyer also discloses that what sets the JAVA platform apart from many other common platforms is that it sits on top of other platforms (col 54, lines 15-17). The JAVA platform is ideal for the Internet, where one program should be capable of running on any computer in the world (col 54, lines 30-33).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Meyer to the teachings of Irwin as modified by Poland because different users can utilize one program on the internet regardless of the user's computer platform due to the fact that the implementation of the Java Virtual Machine provides the capability of running a program on any platform. Such modification eliminates the need for writing one program in different languages utilizing different platforms.

8. Claims 84-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irwin in view of Poland as applied to claims 1 and 10 above, and further in view of Smith (US 6,619,543). The teachings of Irwin as modified by Poland have been discussed above.

As described above in Irwin as modified by Poland, Poland also discloses that the separated data is transmitted by the bar code reader over the telephone network

However, Irwin as modified by Poland fails to teach a network server and communicating with the chosen network server via communication network, wherein the network includes an Internet. Irwin as modified by Poland also fails to teach an Internet url.

Smith discloses a data retrieval mechanism 18 that is configured to interact cooperatively with network address data storage device 20 to retrieve the URL data element 22 therefrom. The storage device 20 includes a bar code device (col 5, lines 29-35). The Uniform Resource Locator (URL) data element encoded within or otherwise carried by storage device 20 (col 5, lines 15-20). Smith also discloses an Internet access device enabling communications with Internet having an interconnected network of servers (col 4, lines 45-50).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the teachings of Smith to the teachings of Irwin as modified by Poland because the bar code including the URL data element can be remotely located from the validating source, and therefore, the ticket can be validated anywhere in the country or world in a fast manner.

Response to Arguments

9. Applicant's arguments with respect to claims 1-18 and 69-90 have been considered but are moot in view of the new ground(s) of rejection.


The Examiner has found another prior art that she believes is more relevant to the present application. Therefore, new grounds of rejection has been provided and this action is non-final.

Art Unit: 2876

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 571-272-2394. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kumiko C. Koyama
May 14, 2007